

## **SECTION 6**

### **SPECIAL REGULATIONS FOR PERMITTED USES**

#### **6.0 General Provisions And Existing Uses**

Every use listed in this section shall comply with the regulations of the zone in which it is or is to be located and, in addition, with the conditions and requirements specified herein for such use.

- 6.1 Alcoholic liquors, sale of
- 6.2 Earth products, excavation, filling or removal of (Special Regulations)
- 6.3 Motor vehicle car wash
- 6.4 Motor vehicle limited and general repair
- 6.5 Motor vehicle gasoline or service station
- 6.6 Retail trade – eating or drinking without drive-in or curb service
- 6.7 Open space subdivision
- 6.8 Rear lots
- 6.9 Supervised group quarters
- 6.10 Trailers (Special Regulations)
- 6.11 Parental Dwelling Unit, Single Family Dwelling (EFFECTIVE 10-14-83)

## **SECTION 6**

### **SPECIAL REGULATIONS FOR PERMITTED USES**

The sale of alcoholic liquors is a permitted use in the Central District CD Zone and shall not be controlled by the provisions of this Section within said zone. The sale of alcoholic liquors is also a permitted special permit use in the Planned Business and Development PBD Zone and the Planned Travel PT Zone, and a permitted accessory use to a club in the Country Residence CR Zone and Rural Residence RR Zone, and a permitted accessory use to a full-sized golf course of nine (9) holes or larger in the Country Residence CR, Rural Residence RR, Residence AAA, AA, A, Reserved Land RL, and Flood F Zones, subject to the requirements of those zones, the requirements of Section 12 of these Regulations, and any other review and approval which the particular uses may require by these Regulations, and in addition, the following conditions:

#### **6.1 Alcoholic Liquors, Sale Of**

- a. In the Planned Business and Development PBD Zone and the Planned Travel PT Zone, no building or premises shall be used and no building shall be erected or altered which is used or is arranged, intended or designed to be used as a place where alcoholic liquors are or are to be sold for consumption on the premises if that portion of said building or premises actually used or arranged, intended or designed to be used for the sale and/or consumption of alcoholic liquor is located.
  1. Within one thousand (1,000) feet, measured by a straight line as established by the Town Plan and Zoning Commission, Zoning Board of Appeals or Building Official, whichever the case may be, from that portion of any other building or premises constituting a use of the same use category wherein the sale and/or consumption of alcoholic liquor on the premises is carried on;
  2. Within five hundred (500) feet, measured by a straight line as established by the Town Plan and Zoning Commission, zoning Board of Appeals or Building or Building Official, whichever the case may be, from any part of any building or premises used for a college, place of worship, hospital, library, park or playground;
  3. Within five hundred (500) feet, measured along the street line or lines, from any zone boundary line of any residential zone (CR, RR, AAA, AA, A).

The foregoing distance limitations set forth in this subsection 6.1a may be decreased by the Town Plan and Zoning Commission in the case of a permitted hotel, motel or full-service restaurant where alcoholic liquors are sold for consumption on the premises under a hotel permit or a restaurant permit (as defined in the State Liquor Control Act) in the Planned Business and Development PBD Zone and in the Planned Travel PT Zone, provided that said Commission, after a public hearing and having taken into consideration the provisions of Section 12 of these Regulations and the proximity of said hotel, motel or restaurant to other buildings or premises used for the sale of alcoholic liquors for consumption on the premises or as a college, school, place of worship, hospital, library, park or playground, and to the zone boundary line of any residential zone, shall find that such sale of alcoholic liquors.

- a.) Shall be subordinate and incidental to the principal use of the premises as a restaurant where the patrons are primarily persons seated at tables where hot meals are served or as a hotel or as a motel;
- b.) Shall not conflict with the general purpose of these Regulations as it relates to the area;
- c.) Shall not adversely affect the health, safety or morals of persons attending any nearby college, school, place of worship, hospital, library, park or playground or residing in any nearby residential zone; and

- d.) Shall not hinder the appropriate development and use of adjacent land and buildings or cause traffic hazards.
- b. In the Planned Business and Development PBD zone and the Planned Travel PT Zone, no building or premises shall be used and no building shall be erected or altered which is used or is arranged, intended or designated to be used as a place where alcoholic liquors are or are to be sold for consumption off the premises if that portion of said building or premises actually used or arranged, intended, designed to be used for the sale of alcoholic liquors is located.
  - 1. Within one thousand (1,000) feet, measured by a straight line as established by the Town Plan and Zoning Commission, Zoning Board of Appeals or Building Official, whichever the case may be, from that portion of any other such building or premises used for the sale of alcoholic liquors for consumption off the premises;
  - 2. Within five hundred (500) feet, measured by a straight line as established by the Town Plan and Zoning Board of Appeals or Building Official, whichever the case may be, from any part of any building or premises used for a college, school, place of worship, hospital, library, park or playground.
  - 3. Within five hundred (500) feet, measured along street lines, from any zone boundary line of any residential zone (CR, RR, AA, AA or A).

The sale of ale, beer and lager when a part of and incidental to a bona fide grocery store for consumption off the premises under a grocery store beer permit (as defined in the State Liquor Control Act) is a permitted accessory use in the Planned Business and Development PBD Zone and Planned Travel PT Zone and shall not be subject to the foregoing distance limitations set forth in this subsection 6.1.b.

- c. The foregoing distance limitations set forth in this Section 6.1 shall not be deemed to be retroactive, except that any location actually being used for the sale of alcoholic liquors on (the effective date of these Regulations), whether or not conforming to the provisions of these Regulations, and at which location the selling of alcoholic liquors is discontinued for a period of six (6) consecutive months, shall not be permitted to be used again for the sale of alcoholic liquors except in conformity with the provisions of this Section 6.1.

## **6.2 Excavation And Filling Or Removal Of Earth Products**

6.2.0 The excavation and filling or removal of earth products is a permitted special permit use in all zones, subject to the requirements of the specific zone or zones in which the excavation operations is located, the provisions of Section 12 of these Regulations, and any other review and approval which may be required by these Regulations, and any other review and approval which may be required by these Regulations, and in addition, the conditions, standards and requirements set forth in this Section 6.2.

### **6.2.1 Authorization For Special Permit For Excavation And Filling Or Removal Of Earth Products**

Pursuant to Section 7-148 of the Connecticut General Statutes, Revision of 1958 as amended, the Town Plan and Zoning Commission is authorized to grant a special permit for the excavation and filling or removal of earth products in the Town of Glastonbury, and the Town Building Official is authorized to enforce these Regulations and any conditions connected with any such special permit.

### 6.2.2 Purpose

The purpose of these Regulations is to:

- a. Regulate the conditions and operations of excavating, grading, filling and removal of earth, sand, stone, gravel, soil, minerals, loam, fill, clay, peat moss and any other earth products;
- b. Prevent conditions detrimental to the public health, safety and general welfare, including but not limited to, erosion, creation of dangerous open pits, stagnant water bodies, nuisances, or permanent damage to the landscape;
- c. Conserve and preserve wetlands, watercourses and water storage areas, the value of adjoining and surrounding properties, and the land itself for future useful purposes;
- d. Assure continuity of operation at a given location until a deposit is fully utilized in conformance with these Regulations;
- e. Minimize or eliminate any deleterious effects on adjacent or nearby land uses and prevent the emergency of any blighting influences.

### 6.2.3 Definition

For the purpose of these Regulations:

- a. **EXCAVATION OPERATIONS.** The phrase “excavation operations” shall include (i). Any operations involving excavating, grading, filling or removal of earth, sand, stone, gravel, soil, minerals, loam, fill, clay, peat moss, and any other earth products in the Town of Glastonbury, and (ii). The transportation on land or roads, public or private, in the Town of Glastonbury of any such products from the site of such an operation, if said site is (A) located within the Town of Glastonbury or (B) located in a town contiguous or adjacent to Glastonbury, and has as its sole means of direct ingress and egress private land or roads in the Town of Glastonbury.
- b. **WATERCOURSES.** “Watercourses” shall mean rivers, streams, brooks, waterways, lakes, ponds, marshes, swamps, bogs and all other bodies of water, natural or artificial, public or private, which are contained within, flow through or border upon the Town of Glastonbury, or any portion thereof, not regulated pursuant to Section 22-7h to 22-7o, inclusive, of the 1969 supplement to the General Statutes, as amended.
- c. **WETLANDS.** “Wetlands” shall mean land, including submerged land, not regulated pursuant to Sections 22-7h to 22-7o, inclusive, of the 1969 supplement to the General Statutes, as amended, which consists of any of the soil types designated as poorly drained, very poorly drained, alluvial and flood plain by the National Cooperative Soils Survey, as may be amended from time to time, of the Soil Conservation Service of the United States Department of Agriculture.

### 6.2.4 Requirements For Special Permit For Excavation Operations

Excavation operations shall begin or continue only after the owner of the premises has received a special permit in accordance with the provisions of these Regulations, except in the case of the following operations:

- a. Excavation operations within the actual rights-of-way of public streets or highways of either the Town of Glastonbury or the State of Connecticut or within the streets or roads as shown on a subdivision map or a plan of development map approved by the Town Plan and Zoning Commission.

- b. Excavation operations within a premise as directed and approved by the Town Building Official as a result of bona-fide construction operations, such as building erection, for which operation a building permit has been issued by the Town Building Official.
- c. Excavation operations completely within a premises as a result of bona-fide landscaping, agricultural, or construction operation for which operation no building permit is required from the Town of Glastonbury, as directed and approved by the Town Building Official, provided that no such excavation operation shall result in removal or filling in of more than six hundred (600) cubic yards of earth products for each individual premises.
- d. Excavation operations conducted in accordance with and pursuant to a special permit granted by the Town Plan and Zoning Commission prior to (the effective date of these regulations).

The owner of any premises or rights-of-way falling within the provisions of Sections 6.2.4 a, b, c and d above, from or into which any earth products have been removed or filled, shall, within thirty (30) days after the completion of such operations or any substantial portion thereof, grade and cover any exposed areas where removal or filling takes place with not less than four (4) inches of topsoil or loam removed from such premises or rights-of-way and seed with a suitable cover crop or cultivation acceptable to the Town Building Official. Any such seeding shall be sowed at a rate not less than three (3) pounds of seed for every one thousand (1000) square feet of area covered. This requirement may be held in abeyance during the months of November, December, January and February.

Notwithstanding Sections 6.2.4a, 6.2.4b, and 6.2.4c above, a special permit in accordance with the provisions of these Regulations shall be required for any excavation operations (except those described in Section 6.2.4d above) within one hundred (100) feet of the high water level (line) of any watercourses or wetlands. **HOWEVER, EXCAVATION OPERATIONS CONDUCTED IN ACCORDANCE WITH SECTIONS 6.2.4A, 6.2.4B AND 6.2.4C AND WHICH HAVE RECEIVED A WETLANDS PERMIT, SHALL NOT REQUIRE A SECTION 6.2 SPECIAL PERMIT.** In addition, excavation operations as such phrase is used in Sections 6.2.4a, 6.2.4b, 6.2.4c above shall not include the operation of disposing of said earth products after removal or the operation of obtaining said earth products prior to filling in. Said disposition and/or obtaining shall require a special permit in accordance with the provisions of these Regulations. EFFECTIVE JANUARY 29, 1996.

#### 6.2.5 Permitted Stipulations With Special Permit For Excavation

The Town Plan and Zoning Commission may, after applying these Regulations in harmony with their purposes, stipulate such restrictions as appear to the Commission to be reasonable to protect the rights of individuals, property values in the area as a whole, and the public health, safety and welfare and which promote sound land use and resource excavation practices.

#### 6.2.6 Criteria For Evaluating A Special Permit For Excavation.

The Town Plan and Zoning commission shall evaluate each and every application for a special permit for excavation operations and shall consider the provisions of this Section 6.2 in light of the following criteria (at a minimum):

- a. **APPROPRIATENESS OF LOCATION.** The compatibility of the proposed excavation operations with the adopted Town Plan of Development, the specific zone and neighborhood, including but not limited to property values, noise levels, traffic, odor, dust, general appearance and surrounding development, both existing and proposed.
- b. **CONFORMANCE.** Conformance with the Glastonbury Building-Zone Regulations, other applicable Town Codes or ordinances and the purposes of these Regulations as set forth in Section 6.2.2.
- c. **SAFETY.** Accessibility for emergency vehicles and equipment; potential for increased fire or traffic hazards; potential for damage to Town roads, bridges or other public facilities.

- d. **HISTORIC AND SCENIC.** Potential for destroying or defacing historic areas or scenic landmarks or otherwise being detrimental to a neighborhood or altering a neighborhood's essential characteristics.
- e. **TRAFFIC.** Impact of anticipated additional vehicle traffic generated by the excavation operation on local access, town and state roads. This impact will be evaluated in conjunction with the impact of truck traffic generated by all of the excavation operations at the time of application for the permit.

#### 6.2.7 Required Standards For A Special Permit For Excavation Operations

Prior to approving any application for a special permit for excavation operations, the Town Plan and Zoning Commission shall consider each such operation in terms of the criteria set forth in the preceding Section 6.2.6 and shall determine whether such operations conform to the following standards. Failure of the operations to properly satisfy the criteria set forth in Section 6.2.6 or to conform to any of the following standards shall be sufficient reason for the commission to deny or withhold the special permit.

The following standards are minimum requirements for excavation operations and the Town Plan and Zoning Commission may require additional or more strict provisions for particular excavation operations based on the criteria set forth in Section 6.2.6.

##### a. Site Standards

1. **SITE SIZE.** There shall be no minimum or maximum site size for permitted excavation operations, except that the Commission may fix a maximum and/or minimum site based on the criteria 6.2.7 herein, the extent of the excavation operation is completed. Prior to the issuance of any special permit for excavation operations, boundaries of the site shall be clearly surveyed and marked with permanent monuments by a Connecticut Registered Land Surveyor. **AMENDED EFFECTIVE APRIL 23, 1974.**
2. **MINIMUM SETBACKS.** All excavation operations shall be located at least fifty (50) feet from any property line, public street, road or highway right-of-way, except as may otherwise be permitted by the Commission.
3. **ACCESS ROADS.** All vehicular access to any excavation operations shall be arranged and aligned to minimize danger to traffic and nuisance to surrounding properties and the general neighborhood. All access roads shall be a minimum of 100' in length and finished with a properly bound material so as to provide a durable and anti-tracking surface to the public street from the work area.
4. **FENCES.** All accesses to any excavation operations shall be barred by an appropriate fence and/or gate.
5. **BUILDINGS AND STRUCTURES.** No buildings or structures related to the excavation operations shall be permitted or erected on the premises during the excavation operation except as may be permitted by the Town Plan and Zoning Commission and subject to any conditions set forth by the Commission.

All such buildings and structures shall be located a minimum distance of one hundred (100) feet from residential zone or any residential property in any zone, except as may otherwise be permitted by the Commission.

Any permitted buildings and structures shall be properly maintained and shall conform to all applicable codes and ordinances of the Town of Glastonbury. Any such building or structure that has not been used for a period of one continuous year shall be removed from the premises by the owner, and all building and structures related to the excavation operations shall be dismantled and

removed from the premises by the owner not later than sixty (60) days after termination of the excavation operations or expiration of the special permit.

6. **MACHINERY AND EQUIPMENT.** No fixed machinery or equipment shall be permitted, erected or maintained on the premises, and no screening, sifting, washing, crushing or other forms of processing shall be conducted on the premises, except as may be permitted by the Town Plan and Zoning Commission.

All fixed equipment and machinery shall be located a minimum distance of three hundred (300) feet from any residential zone or any residential property in any zone, except as may otherwise be permitted by the Commission.

All equipment and machinery, whether fixed or not, shall be properly maintained and stored and shall be dismantled and removed from the premises by the owner not later than sixty (60) days after the termination of the excavation operations or expiration of the special permit.

b. Operating Standards

1. **HOURS OF OPERATION.** Operating hours for excavation operations shall be restricted to weekdays (Monday through Friday), between the hours of 7 a.m. and 4 p.m., except as may otherwise be permitted by the Town Plan and Zoning Commission. Excavation operations shall not be allowed on legal State holidays with the exception of Columbus Day and Veterans Day. Equipment startup and/or engine idling on or adjacent to the site shall not be permitted prior to the approved hours of operation.
2. **EQUIPMENT AND MACHINERY.** All equipment and machinery shall be maintained in good repair and operated in such a manner as to minimize noise, vibration, smoke dust, unsightly conditions and any other nuisance.
3. **DUST AND WIND EROSION.** All storage areas, yards, access roads, service roads or other untreated open areas within the premises shall be improved with proper landscaping, paving or other appropriate materials to minimize dust, other windblown air pollutants and wind erosion.
4. **SPILLAGE/VEHICLE IDENTIFICATION.** To prevent spillage from vehicles and windblown air pollution, any truckload of earth material which is to travel on a public street shall be covered with tarpaulin or other suitable material. All commercial haulers shall utilize vehicles clearly marked with the hauler's name and an identification number. Vehicles with a hauling capacity of less than 8 cubic yards shall be exempt from the above marking/identification requirements.
5. **DRAINAGE AND WATER EROSION.** The owner and operator of the premises shall provide proper drainage, as approved by the Town Plan and Zoning Commission, at all stages during and after completion of the excavation operations to prevent the collection and stagnation of water, interference with or disturbance of the flow, banks or bed of any watercourse, the erosion of the premises or adjoining properties or any other harmful effects to adjoining properties or the future use of the premises.
6. **NATURAL WATER OR DRAINAGE AREAS.** No watercourse, wetland or drainage area shall be altered in any way until and except as approved by the Town Plan and Zoning Commission, subject to any conditions set forth by the Commission. No waste products or process residues from any excavation operations shall be disposed of in any watercourse, wetland or drainage area. Particular concern and precaution shall be taken in the case of watercourses, wetlands and drainage areas regarding filtration, sedimentation, stabilization and grading.

7. LATERAL SUPPORT. Adequate provisions, as approved by the Town Plan and Zoning Commission, shall be provided for the lateral support and stabilization of all banks and slopes. No bank, both during the operation (except during the time of actual active excavation or filling in a particular location) and upon completion of the operation, shall exceed a slope of one upon completion of the operation, shall exceed a slope of one (1) foot of vertical rise in three (3) feet or horizontal distance (i.e., 3:1), except that in any case the acceptable slope shall be determined by the Commission.

In appropriate instances, as determined by the Commission, terracing of banks to achieve a proper slope and insure adequate support and stabilization of such banks, may be permitted subject to any conditions or limitations set forth by the Commission.

8. STOCKPILING AND OVERBURDEN. All overburden shall be stockpiled in windows or concentrated piles and stabilized (and appropriately covered if necessary) in a manner acceptable to the Town Plan and Zoning Commission so as to prevent its erosion by either wind or water and so that it does not become a source of dust or other windblown air pollutants.

There shall be no stockpiling of materials within one hundred (100) feet of any property line.

9. TOPSOIL PRESERVATION. A minimum of the top four (4) inches of soil shall be set aside on the premises for re-spreading over the excavated area in accordance with these Regulations. Such topsoil stockpiles shall be treated, as approved by the Town Plan and Zoning Commission, to prevent the effects of erosion by wind or water and shall not be sold or removed from the premises.
10. LOAMING AND SPEEDING. No later than sixty (60) days after expiration of the special permit or completion of the excavation operations or any substantial portion thereof, any exposed area where filling or removal has taken place shall be covered to a depth of not less than four (4) inches with topsoil or loam and seeded with a suitable cover crop acceptable to the Town Plan and Zoning Commission and the Town Building Official. This requirement may be held in abeyance during the months of November, December, January and February.
11. SCREENING AND LANDSCAPING. The Town Plan and Zoning Commission may require excavation premises and/or operations to be properly screened from adjoining properties or public streets because of the location, size, extent or intensity of the operations, particularly in the case of any permitted structures, buildings or fixed equipment and machinery.
12. CURBS AND SIDEWALKS. It shall be the responsibility of the operator of the excavation operations to repair, immediately, any damage to any sidewalks, curbs, surface drains or other improvements or utilities that may be caused as a result of the excavation operations.
13. SAFETY. Proper safety measures for within the premises and for the surrounding area shall be clearly set forth and strictly adhered to at all times to protect the health, welfare and safety of all individuals and property.

All operations shall be conducted in a safe manner to prevent hazards to persons, physical damage to adjacent land or improvements, and damage to any road, street, highway or property because of slides, sinking or collapse.

- 6.2.8 APPLICATION FOR SPECIAL PERMIT FOR EXCAVATION OPERATIONS. Every application for a special permit for excavation operations shall be made in a form and in accordance with procedures established by the Town Plan and Zoning Commission. At a minimum, the application shall include the following supporting documentation:

- a. A properly certified key map of the general area at a scale of 1" = 200' showing:
  1. boundary and owner of record of the premises in question;
  2. boundaries and owners of record of all adjacent properties;
  3. topography and contours of the premises and all land within five hundred (500) feet of the boundaries of the premises, with the contour interval being two (2) feet if the ground slope is three (3) percent or less and five (5) feet if the ground slope is more than three (3) percent;
  4. existing land use(s) on the premises and within five hundred (500) feet of the boundaries of the premises;
  5. all natural watercourses, wetlands and drainage areas on the premises and within five hundred (500) feet of the boundaries of the premises;
  6. all public and private roads which provide access to the premises;
  7. all existing utilities and easements on the premises.
- b. A properly certified site plan map, in triplicate, at a scale not smaller than 1" = 100' conforming, at a minimum, to the requirements of Class A-2 Transit Surveys as set forth in the Code of Recommended Practice for Standards of Accuracy in Maps, and showing:
  1. the entire boundary and acreage of the premises;
  2. the number of cubic yards of earth products to be involved in the excavation operations, differentiating between fill and removal;
  3. all information shown on the key map as it relates to the premises;
  4. proposed contours and finished grades at the completion of the excavation operations, and for any interim stages, contour intervals to be the same as for the key map;
  5. acres of active operation and stockpiling, differentiating between removed topsoil stockpiling and stockpiling of other materials;
  6. means of vehicular access to the premises;
  7. average thickness of overburden in the area proposed for any excavation operations;
  8. any staging of active areas of excavating operations;
  9. location of any proposed buildings and structures and fixed equipment and machinery;
  10. such additional information so as to clearly indicate complete compliance with the required standards for a special permit for excavation operations set forth in Section 6.2.7.
- c. Performance bond, with adequate surety, in accordance with the provisions set forth in Section 6.2.10.

The Town Plan and Zoning Commission may require the applicant to provide additional information in sufficient detail to enable the Commission to clearly evaluate the proposed excavation operations in terms of the criteria set forth in Section 6.2.6 and determine compliance with the standards set forth in Section 6.2.7.

In addition, the Commission shall require the review and advisory report of the Glastonbury Conservation Commission as to the environmental impact of the proposed operations and may require the review and advisory report of other agencies and officials, such as the Soil and Water Conservation District, particularly when natural water areas or drainage basins may be involved in the excavation operations.

The applicant may, at his discretion, unless otherwise required by the Commission, submit additional appropriate and accurate information such as vertical aerial photographs at a scale 1" = 200' to support his documentation.

#### 6.2.9 Public Hearing

After receipt of the application and accompanying maps and supporting documents, the Town Plan and Zoning Commission shall hold a public hearing after notice has been published at least once, not less than five (5) days nor more than fourteen (14) days prior to the date of the hearing, in a newspaper having a substantial circulation in the Town of Glastonbury. The Commission may require written notice to be given to all adjacent property owners. The notice shall state, at a minimum, the time and place of the hearing; the name of the applicant; the premises for which the excavation operations are proposed; and the number of cubic yards of earth products which the applicant proposes to fill and/or remove.

#### 6.2.10 Performance Bond

Prior to the issuance of any special permit for excavation operations, the owner of the premises or the owner and the tenant under a written lease, shall post a performance bond with and in favor of the Town of Glastonbury, in an amount and with surety approved by the Town Plan and Zoning Commission but not less \$3,500 for each acre of land to be used for active excavation operations, sufficient to guarantee complete conformity with the provisions and standards of these Regulations or any supplemental agreement called for by the Town Plan and Zoning Commission, with the approved finish grades as shown on the site plan map submitted with the application, and with any approved interim stage grade requirements shown on the site plan map or required by the Commission. The agreement filed with the bond shall, among other things, grant the Town the right of access to perform all necessary rehabilitation of bonded property in the event of forfeiture of the performance bond. No such performance bond shall be released by the Town Plan and Zoning Commission until and after all provisions, conditions and requirements set forth herein have been completely met and fulfilled.

#### 6.2.11 Special Permit Requirements

After the public hearing and after the necessary performance bond(s) required by Section 6.2.10 of these Regulations is properly secured and provided the Town Plan and Zoning Commission is satisfied that the proposed excavation operations completely conforms to the purposes, criteria and standards of these Regulations, the Commission may issue a special permit for the excavation operations, subject to conditions including the following:

- a. Time Period. The Commission may grant a special permit for excavation operations for a limited period of time, but in no case shall a special permit be issued for a period longer than 24 months.

In fixing the period of time for the special permit, the Commission shall consider the size and location of the area proposed for excavation operations, the overall magnitude of the operations, and the character and development of the surrounding neighborhood, both existing and proposed.

- b. Monthly Reports. All excavators shall submit monthly reports to the Town Plan and Zoning Commission which specify the number of vehicle trips completed during that month. Additionally, the Commission may require that an updated site plan map be completed during the term of an excavation if it is deemed necessary to determine the operation's compliance with these Regulations.
- c. Expiration Of Permit. Any special permit for excavation operations shall expire and become null and void at the time the excavation operations are completed to the limits shown on the approved application and site plan map.

- d. **Change Or Extension Of Permit.** Nothing herein shall prevent the applicant from filing a revised site plan map, modifying, expanding or reducing the scope and area of the excavation operations originally approved by the Town Plan and Zoning Commission, except that any such expansion of the operations beyond the limits approved by the Commission shall be considered a new application and shall require complete conformance with all the requirements of these Regulations.
- e. **Compliance With Special Permit.** All excavation operations shall comply with all the standards and conditions set forth in its special permit as approved by the Town Plan and Zoning Commission. Failure to comply with all such standards and conditions shall make the special permit null and void at the time of such failure to comply and a new application shall be required in conformance with the provisions of these Regulations for any continued operation of the excavation operations. If there is noncompliance with any standards or conditions, the excavator shall report to the next regularly scheduled Town Plan and Zoning Commission meeting to explain such noncompliance.

The Town Building Official may, at his discretion and after inspection of the premises, permit minor deviations from the approved application and site plan map during the operation of the excavation operations which may be necessary to allow normal operation of field equipment and machinery, provided such minor deviations shall not affect in any way the final results, grading, contours, and the like of the premises as shown on the approved application and site plan map.

#### 6.2.12 Earth Product Processing

No gravel stone, sand or other earth products may be processed on the premises, such processing requiring stone crushers or other machinery not needed for actual excavation operations, except with the permission of the Town Plan and Zoning Commission or except for the continuation of pre-existing processing operations carried on as permitted nonconforming uses.

#### 6.2.13 Penalties For Violation

Whosoever violates these Regulations by operating without the special permit required by these Regulations is subject to a fine of \$100 a day for every day during which excavation operations are carried on without the required special permit. In addition to the foregoing, any failure and refusal by a permittee to grade, recover with topsoil, and seed as required by these Regulations shall be grounds for suspending any and all special permits for excavation operations held by the permittee. **EFFECTIVE MAY 15, 1989.**

### 6.3 Motor Vehicle Car Wash

Motor vehicle car washes of the self-service, automatic or semi-automatic type, as distinguished from a car washing service consisting primarily of hand washing by service station personnel utilizing hoses and rags or sponges, are a permitted special permit use in the Planned Business and Development (PBD) Zone, the Planned Travel (PT) Zone, **and the Planned Commerce (PC) Zone EFFECTIVE 04-14-04** subject to the requirements of those zones, and any other review and approval which may be required by these Regulations and, in addition, the following conditions:

- a. There shall be a minimum of one thousand (1,000) square feet of lot area, excluding exit drives, for each bay of a single car bay type car wash for storage area for waiting motor vehicles; and a minimum of three thousand (3,000) feet of lot area, excluding exit drives, for each bay of a tunnel type car wash for storage area for waiting motor vehicles.
- b. The entrance and exit of the premises shall be from and to a public street.
- c. Entrances and exit driveways shall have a minimum width at the curb cut of ten (10) feet.
- d. Functions shall be limited to the washing of motor vehicles and customary accessory uses thereto.

- e. Vacuum equipment and cashier's booth may be located outside the principal structure, but no less than twenty-five (25) feet from any property lines, except as provided in f. below.
- f. All portions of buildings used for the washing of cars must be located not less than seventy-five (75) feet from the zone boundary line of any residential zone (CR, RR, AAA, AA, A) or the property line of any residential property in any zone, and not less than one hundred and twenty-five (125) feet from the street line of the street upon which the premises fronts.
- g. All areas for the washing, drying, vacuuming and parking of motor vehicles or any other use of the premises, shall be surfaced with an asphaltic, bituminous, cement or other properly bound pavement so as to provide a durable and dustless surface, and shall be so graded and drained as to dispose of all surface water accumulation within the area.
- h. Every motor vehicle car wash and its premises shall be properly lighted, such lighting to be so arranged as to reflect the light away from any public street or right-of-way and from any adjoining premises located in a residential zone or any premises used for residential purposes in any zone.
- i. Every motor vehicle car wash shall be screened from any adjacent residential property and/or residential zone by a suitable opaque fence (which shall bear no advertising), or planting screen, not less than six (6) feet in height and providing year round screening.
- j. All washing facilities shall be enclosed in a permanent building constructed of masonry, porcelainized steel or other material equal in durability and appearance.
- k. Any trash or storage area shall be enclosed by a suitable opaque fence not less than six (6) feet in height.
- l. In no case shall a car wash facility of the self-service, automatic or semi-automatic type be considered part or accessory to a motor vehicle or gasoline service station or otherwise permitted without complying with the provisions of this section. When a motor vehicle car wash is part of or accessory to a motor vehicle or gasoline service station, it shall be located within the principal service station building and shall abide by the conditions set forth for service stations in Section 6.5 of these Regulations.
- m. All site and floor drains which may receive detergent, oil or other chemicals shall be connected to the sanitary sewer system, water recycling equipment or any other equipment satisfactory to the Town Sanitarian. Such drainage shall not in any case be directed to storm sewers or natural water courses.

#### **6.4 Motor Vehicle Limited And General Repair**

Motor vehicle limited repair is a permitted special permit use in the Planned Business and Development (PBD) Zone, the Planned Travel (PT) Zone, **and the Planned Commerce (PC) Zone EFFECTIVE 04-14-04** and motor vehicle general repair is a permitted special permit use in the Planned Industrial (PI) Zone **and the Planned Commerce (PC) Zone EFFECTIVE 04-14-04** subject to the requirements of those zones, and any other review and approval which the particular uses may require by these Regulation and, in addition, the following conditions:

- a. There shall be no building on a lot or premises used for motor vehicle limited and/or general repair located within fifty (50) feet of another building.
- b. There shall be no products displayed for sale in the front yard or side street, if any.
- c. There shall be no more than one free-standing identification sign per frontage.
- d. There shall be no streamers, banners or pennants on the lot or structures.
- e. All signs shall abide by the sign regulations of the Glastonbury Building Zone Regulations.

- f. Every premises used for motor vehicle limited and/or general repair shall be screened from any adjacent residential property and/or residential zone by a suitable opaque fence (which shall bear no advertising), or planting screen, not less than six (6) feet in height and providing year-round screening.
- g. All areas for the parking and storage of operable motor vehicles, including customer and employee vehicles, shall be surfaced with an asphaltic, bituminous, cement or other properly bound pavement so as to provide a durable and dustless surface, and shall be so graded and drained as to dispose of all surface water accumulation within the area. All parking of vehicles shall be in a neat and orderly manner, preferably in individual spaces permanently marked on the pavement surface.
- h. There shall be no storage of motor vehicles in the front yard or side street yard, if any.
- i. There shall be no outside storage of inoperable motor vehicles or motor vehicle parts.
- j. Any lighting used to illuminate any sign or any area of the premises shall be so arranged as to reflect the light away from any public street or right-of-way and from any adjoining premises located in a residential zone or any premises used for residential purposes in any zone.
- k. Any trash or storage area shall be enclosed by a suitable opaque fence not less than six (6) feet in height.
- l. All repair work shall be conducted within the principal building on the lot.
- m. When a motor vehicle limited repair is part of or accessory to a motor vehicle or gasoline service station, it shall be located within the principal service station building and shall abide by the conditions set forth for service stations in Section 6.5 of these Regulations.
- n. Approval of location for premises to be used for motor vehicle limited and/or general repair is required by the Zoning Board of Appeals as set forth in Section 13 of these Regulations.
- o. All site and floor drains which may receive detergent, oil or other chemicals shall be connected to the sanitary sewer system, water recycling equipment or other equipment satisfactory to the Town Sanitarian. Such drainage shall not in any case be directed to storm sewers or natural water courses.

## **6.5 Motor Vehicle Or Gasoline Service Station**

Motor vehicle and/or gasoline service stations, if existing on (the effective date of these Regulations), are a permitted special permit use in the Planned Travel (PT) Zone and in the Planned Business and Development (PBD) Zone, and extensions or enlargements of such existing stations in the PT or PBD Zones shall be subject to the requirements of the Zone in which they are situated, any other review and approval which may be required by these Regulations, and in addition, to subsections a.1 and a.2 and subsections b through r of this Section 6.5; motor vehicle and/or gasoline service stations constructed after (the effective date of these Regulations) are a permitted special permit use in the Planned Travel (PT) Zone, subject to the requirements of the PT Zone, any other review and approval which may be required by these Regulations, and, in addition, the following conditions:

- a. All motor vehicles and/or gasoline service stations shall be located on a lot which shall:
  - 1. have a minimum lot area of fifteen thousand (15,000) square feet for a station with a single pump island, with an additional three thousand (3,000) square feet of lot area being required for each additional pump island; and
  - 2. have a minimum lot frontage of one hundred fifty (150) feet, which frontage, in the case of a new station, unless such station is within a permitted shopping center, shall be on a street which intersects with an entrance and/or exit ramp of a limited access highway; and

3. have its minimum lot frontage, unless such station is within a permitted shopping center, located within two hundred twenty-five (225) feet from the intersection of the street on which said lot fronts and the nearest such entrance and/or exit ramp to such lot, as measured along said street line; and
  4. have no portion of such located within five hundred (500) feet, measured in a straight line as established by the Town Plan and Zoning Commission, from any part of any lot, building or premises used for a college, school, place of worship, hospital, library, theater, park, playground or other similar place of public gathering.
- b. There shall be a minimum distance of forty (40) feet between any two curb cuts used for entrances and/or exits to the station.
  - c. There shall be a minimum distance of fifteen (15) feet between any two curb cuts used for an entrance and/or exit to the station and the nearest side line of the lot on which the station is located.
  - d. There shall be no products displayed in the front yard or side street yard, if any, except that automobile products such as lubrication oil customarily sold for retail as part of the operation of the service station may be displayed on the pump islands, and coin operated dispensing machines for soft drinks, milk, ice and the like may be located in the front yard or side street yard, if any, if such machines are situated immediately adjacent to the principal building on the lot, and provided further that there shall be a maximum of two (2) such machines per lot.
  - e. A landscaped area at least fifteen (15) feet in width shall be provided between the pump island area(s) and the front lot line and side street line, if any, for the full length of the frontage(s), excluding the area required for the station entrances and/or exits curb cuts.
  - f. There shall be no more than one free-standing identification sign per lot.
  - g. There shall be no streamers, banners or pennants on the lot or structures.
  - h. All signs shall abide by the sign regulations of these Glastonbury Building Zone Regulations.
  - i. Every motor vehicle or gasoline service station shall be screened from any adjacent residential property and/or residential zone by a suitable opaque fence (which shall bear no advertising), or planting screen, not less than six (6) feet in height and providing year round screening.
  - j. All areas of the parking and storage of vehicles, including customer and employee vehicles, shall be surfaced with an asphaltic, bituminous, cement or other properly bound pavement so as to provide a durable and dustless surface, and shall be so graded and drained as to dispose of all surface water accumulation within the area. All parking of vehicles shall be in a neat and orderly manner, preferably in individual spaces permanently marked out on the pavement surface.
  - k. There shall be no outside storage of inoperable motor vehicles or motor vehicle parts.
  - l. There shall be no storage or parking of vehicles in the front yard or side street yard, if any.
  - m. Any lighting used to illuminate any sign or any area of the gasoline services station and its premises shall be so arranged as to reflect the light away from any public street or right-of-way and from any adjoining premises.
  - n. Any trash or storage area shall be enclosed by a suitable opaque fence not less than six (6) feet in height.
  - o. All repair work shall be conducted within the principal building on the lot.

- p. The Town Plan and Zoning Commission may required, if it deems such action appropriate to reduce the potential noise and visual impact of the station on surrounding development, that the entrances to the stations' service bays be located on a particular side of the station's service building.
- q. Approval of location for motor vehicle or gasoline service stations is required by the zoning Board of Appeals as set forth in Section 13 of these Regulations.
- r. All site and floor drains which may receive detergent, oil or other chemicals shall be connected to the sanitary sewer system, water recycling equipment or other equipment satisfactory to the Town Sanitarian. Such drainage shall not in any case be directed to storm sewers or natural water courses.

## **6.6 Retail Trade**

### **Eating And Drinking Without Drive-In Or Curb Service**

Retail Trade – eating and drinking without drive-in or curb service is a permitted special permit use in the Planned Business and Development (PBD) Zone and the Planned Travel (PT) Zone, subject to the requirements of those zones, and other review and approval which may be required by these Regulations and, in addition, the following conditions:

- a. No building shall be erected or altered which is used or is arranged, intended or designed to be used for retail trade - eating and drinking without drive-in or curb service if that service, if that portion of said building or premises actually used or arranged, designed or intended to be used for retail trade - eating and drinking without drive-in or curb service is located
  - 1. Within one thousand (1,000) feet, measured by a straight line as established by the Town Plan and Zoning Commission, from that portion of any other building or premises actually used or arranged, designed or intended to be used for the same or similar purpose; except that the Town Plan and Zoning Commission may, in its discretion and for good cause in the case of a comprehensive Plan of Development with due consideration to vehicular traffic movement, pedestrian safety and overall site layout, waive this particular distance requirement.
- b. Food service shall be primarily to customers seated at tables or at counters within a closed building.
- c. There shall be no window counter service, outdoor seating or eating at or on the premises, except that the Town Plan and Zoning Commission may in its discretion and for good cause in the case of a comprehensive Plan of Development with due consideration for litter, public health, insect pests and overall site considerations, permit an outdoor café with service to customers seated at table only as an accessory use to a retail trade - eating and drinking facility.
- d. Take-out service or food to be consumed off the premises shall be permitted as an accessory use.

## **6.7 Open Space Subdivisions**

The Town Plan and Zoning Commission may permit the establishment of Open Space Subdivisions subject to the provisions of Section 14 of these Regulations and any other review and approval which may be required by these Regulations, and in addition, the conditions, standards and requirements set forth in this Section 6.7.

### **6.7.1 Purpose**

The Commission, whether upon application of a subdivider or otherwise, may require or permit dedication of land as open space in a subdivision when it deems that such land will conserve natural or scenic resources; protect open space, and recreational areas; meet recreational needs of present and projected population in the area; save historic sites, wildlife sanctuaries, and outstanding forests; preserve ridges, ravines, ledge outcroppings, and other unusual

physical features; or promote orderly community development. It is the purpose of this Section 6.7 to provide for controlled flexibility of lot sizes so that the number of dwelling units contemplated by the minimum lot requirements in each zone is maintained on an overall basis and desirable open space, recreation areas, tree cover, greenbelts, scenic vistas, and other natural features are preserved.

#### 6.7.2 Area

In addition to any other open space which may be required in a subdivision under appropriate provisions of the Glastonbury Subdivision and Re-subdivision Regulations, the area of the open space which may be required or permitted to be dedicated in return for the reduction of lot sizes under this Section 6.7, some or all of which shall be buildable land, shall be at least equal to the difference between the area of lots as permitted in the zone in which the proposed subdivision is located and the area of reduced lots as permitted herein, provided that the number of lots as reduced shall not exceed the number of unreduced lots which would have been permitted in the zone for the subdivision.

#### 6.7.3 Within Master Sewer Plan Area

In open space subdivision approved hereunder and located within the limits shown on the last master sanitary sewer plan accepted by the Glastonbury Sewer Commission, lot area, yard and frontage requirements may be reduced to not less than the minimum lot area, yard and frontage requirements of the next higher density residential zone, except that lot area and frontage requirements in an A residence zone may be reduced to not less than 12,000 square feet and 80 feet respectively, and the front yard, side yard and rear yard requirements in an A residence zone may be reduced to not less than forty (40) feet, fifteen (15) feet and forty (40) feet, respectively. The sequence of zones from lowest to highest density shall be: I-CR, II-RR and AAA, III-AA, IV-A.

#### 6.7.4 Beyond Master Sewer Plan Area

In open space subdivision approved hereunder and located beyond the limits of said master sanitary sewer plan, lot area, yard and frontage may be reduced as hereinabove limited in 6.7.3 only if the Town Sanitarian has determined that each lot has sufficient area for replacing the septic field twice soils have a percolation rate of five (5) minutes or less per inch, and the conditions of ledge and water tables are suitable, or if the subdivider has provided for a suitable package treatment plant for the entire subdivision, the location, construction and agreement for the operation and maintenance of which must be approved by the Town Sanitarian and Sewer Commission.

#### 6.7.5 Procedure

The subdivider shall submit, in addition to the subdivision plan and other documentation as required in the Subdivision and Re-subdivision Regulations a plan showing the layout of lots and streets in conformance with the zone in which the proposed subdivision is located. In such plan, land not suitable for development purposes, such as power line easements and existing bodies of water, shall be excluded.

#### 6.7.6 Other Lands of Subdivider

In determining the total open space to be dedicated, the Commission may consider not only the tract or tracts to be subdivided immediately but also any other adjacent tract owned, controlled, or under agreement to buy or optioned by the subdivider or corporation controlled or owned by the subdivider.

#### 6.7.7 Referrals

The Commission shall refer the subdivision plan and proposal for dedication of open space to the Conservation Commission, the Sewer Commission, and the Soil Conservation Service or any other agency or organization which the Commission deems may have an interest in said plan and proposal for review and comment.

#### 6.7.8 Public Open Space

The Commission may accept or require, in a form and manner prescribed by it, open space to be dedicated perpetually to the Town, provided that it determines the public interest would be served by such dedication. In making such determination, it shall consider, among other things the relationship of the open space to the Town Plan of Development, access to and use of the open space by the general public, and restrictions of and purposes of the open space.

#### 6.7.9 Common Open Space

If the Commission determines that the dedication of open space to the Town would not be in the public interest, it may cause the open space to be transferred either to an association of homeowners or the owners of the lots in the subdivision as tenants in common, or to another entity where in the owner of each lot in the subdivision shall own an undivided interest in the open space or in the association or other entity proportionate to the total number of lots in the subdivision. Such transfer shall be in accordance with the standards established by the Commission which may include the following:

- a. Creation of the homeowners association before any lots are sold;
- b. Mandatory membership by the original homeowner and any subsequent buyer;
- c. Powers to assess and collect from each homeowner a fair share of associated costs;
- d. Restrictions on the use and development of such open space;
- e. Responsibility for providing adequate maintenance, including insurance;
- f. Possible maintenance by Town, including ability to use homeowners' assessment for such purposes, in the event of default by those primarily responsible for maintenance;
- g. Recordable declaration of restrictions of covenant and/or deed restrictions, enforceable by Town;
- h. Approval of articles of incorporation, declaration of restrictions and covenants, and/or deed restrictions by the Town Attorney.

#### 6.7.10 Dissolution of Association

The articles of incorporation of the homeowners association may provide for dissolution of the association by a majority of all its members, but not without the consent of the Town of Glastonbury, acting by the Town Manager. Upon dissolution of the association, the open space may revert to the Town if so directed by the Town, which may take action, through its Town Council, to retain or dispose of said open space, provided, however, that such open space shall be subject to a conservation easement and shall be used only for purposes consistent with the provision of such easement.

#### 6.7.11 House Size Reduction

The subdivider or subsequent owner, with the permission of the Town Plan and Zoning Commission, may reduce the size of any dwelling unit built within an open space subdivision approved hereunder by up to fifteen (15) percent of the minimum house size established for the zone in which the proposed subdivision is located.

#### 6.7.12 Condition of Open Space

Any land to be dedicated as public open space shall be left in its natural state by the subdivider, except for improvements which may be required and approved by the Commission, and except for public utilities, and shall not be graded, cleared or used as a repository for stumps, brush, earth, building materials or debris.

#### 6.7.13 Final Approval

The Commission may give final approval to the subdivision if it finds that the purposes, procedure, standards and conditions set forth herein have been met. Nothing herein shall be deemed to waive other requirements of final plans for subdivision.

### **6.8 Rear Lots**

#### **AMENDED EFFECTIVE AUGUST 9, 1996**

#### 6.8.1 Authorization

In accordance with the provisions of this section, the Town Plan and Zoning Commission may grant special permits to allow the construction of dwellings with permitted accessory buildings on rear lots in residential zones.

#### 6.8.2 Definition of Rear Lot

A lot which does not meet the frontage requirements of these regulations for the underlying zones.

#### 6.8.3 Re-subdivision Limitation

A Section 6.8 Special Permit shall not be granted for any rear lot that is created by the re-subdivision of any numbered and approved lot in any subdivision approved after the effective date of this ordinance (3/9/87).

Furthermore, any driveway that has the potential to, or is anticipated to access "other land of", as defined under Section 6.8(c) of the Glastonbury Subdivision and Re-subdivision Regulations, shall be labeled "possible future access drive to undeveloped land" on final development plans. No rear lot shall be approved without compliance with this paragraph.

#### 6.8.4 Requirements for Rear Lots

A special permit authorizing single-family dwelling construction on rear lot(s) may only be granted following satisfactory demonstration to the Town Plan and Zoning Commission that the following criteria have been met:

- a. Construction of dwelling(s) will not impair the health, safety, general welfare of future occupants, abutting landowners; and will not impair future land use, and road layouts anticipated by the Plan of Conservation and Development.
- b. A rear lot shall have a minimum area of 80,000 square feet. The Commission may issue a special permit for smaller rear lots of record existing as of October 22, 1973.
- c. A principal dwelling on a rear lot shall not be located further than 1,000 feet from the street line of the Town street to which access is provided; measured along the centerline of the rear lot access driveway. The Commission may waive the 1,000 foot driveway limit to allow a rear lot driveway up to 1,500 feet in length measured along the centerline.
- d. There shall be a maximum a one single-family dwelling with permitted accessory buildings or uses on a rear lot. The Commission may grant special permits allowing the construction of single-family dwellings on up to two adjacent or contiguous rear lots serviced by a single common access drive. Notwithstanding the foregoing, the Commission may permit a maximum of three lots to be served by a single common access drive provided that an acceptable standard of safety of persons and property is demonstrated by the applicant and confirmed by the reports described in Section 6.8.5, and provided that the applicant demonstrates that:

1. No public road is capable of being extended beyond the subject property due to one or more of the following:
  - a.) ownership of adjacent properties by a government agency or a public utility, whose property is being used for a public or utility purpose;
  - b.) the presence of existing residential development which cannot legally or physically interconnect with such a road; or
  - c.) the potential for significant environmental degradation due to the existence of wetlands and watercourses and/or the presence of severe topography (slopes greater than 15%), and
2. prudent or feasible access alternatives to adjacent properties exist elsewhere, and
3. all applicable standards and criteria, found under Section 12.4.a, 12.4.b., and 12.4.c. of the Glastonbury Building-Zone Regulations are met.

The final plans shall contain a notation stating: "rear lot served by a private driveway must be maintained and repaired by the lot owners. The Town of Glastonbury will provide no maintenance or repair services to private driveways."

Adjacent rear lot driveways shall be separated by an 8 foot minimum vegetative buffer or a 4 foot minimum landscaped island.

- e. EXCEPT AS PROVIDED IN SECTION 6.8.4.i, the owner(s) of each rear lot or lots shall own a PERPETUAL INDEFEASIBLE INTEREST in a right-of-way at least 20 feet wide; provided, however, that the Commission may, in its discretion, waive the FOREGOING requirements, as long as property over which said right-of-way passes shall have frontage on a Town road in excess of 20 feet over the minimum frontage required in the underlying zone or shall be property to which frontage requirements are not applicable. AMENDMENT EFFECTIVE JANUARY 2, 1992.
- f. All access driveways serving one or two rear lots shall have a minimum unobstructed width of 16 feet. All access driveways serving three rear lots shall have a minimum unobstructed width of 20 feet, for that portion of the common driveway serving three lots. All access driveways with an average grade in excess of 8% shall be paved with 2 inches of compacted bituminous concrete and constructed with appropriate storm water control to minimize washouts. All access drives shall have a surface base of 10 inches of compacted bank run gravel or stone. No rear lot access drive shall contain any grade in excess of 15%. The Commission may require additional driveway standards based upon actual field conditions.
- g. All rear lots shall be provided with a vehicular turnaround at the dwelling in order to accommodate emergency vehicles. The Town street entrance to the rear lot access driveway shall be posted with a house number identification sign with numbers at least 6" high.
- h. Each rear lot shall comply in all respects with the requirements of the underlying zone as established in Section 3 and 4 of the Building Zone Regulations, except for frontage requirements. For purposes of determining compliance with this subsection, the lot line from which the access driveway leads shall be considered the front line of any proposed rear lot.

- i. In the case of any existing or proposed lot(s) that is served or to be served by a private road approved for Town maintenance, as described in the Glastonbury Town Code 17-32, the Commission may waive any of the foregoing requirements of Section 6.8.4 (with the exception of subsections a. and b.) with which such lot(s) cannot reasonably comply if the Commission determines that such private road can serve such lot(s) without impairing the health, safety, or general welfare of existing or proposed residents on such private road. In reaching its determination, the Commission shall consider, among other factors, the width, length, condition or storm water drainage, and other characteristics of such private road; the number of residences currently served and to be served by such private road; and the environmental impact, if any, of extending or improving any such private road. The applicant shall present evidence that it has the legal right of record to access the affected lot(s) via such private road. Access shall be restricted to property(ies) having such right of access. AMENDED EFFECTIVE JANUARY 2, 1992.
- j. A standardized perpetual maintenance agreement in accordance with Appendix A of the Building-Zone Regulations shall be provided and recorded on the Glastonbury Land Records for all common driveways (serving more than one lot).

6.8.5 The following written reports shall be provided to the Commission and made available to the Office of Community Development prior to the Public Hearing:

Reports from the Police and Fire Marshal as to:

- a. The feasibility of ready access by emergency vehicles to each dwelling, and
- b. The demonstration by the applicant of an acceptable standard of overall design regarding the safety of persons and property. Such standards may include but not be limited to: fire prevention and suppression, crime prevention and detection, occupancy and visitor access and interior vehicular movement.

6.8.6 Permitted Stipulations with Special Permit for Rear Lot Approval

The Commission, in approving a rear lot special permit after applying these Regulations in harmony with their general intent, may stipulate such restrictions as appear to the Commission to be reasonable to protect or promote the rights of individuals, property values and the environment in the areas as a whole, the public health, safety or welfare, sound planning and zoning principles, improved land use, site planning and land development, or better overall neighborhood compatibility. Such restrictions may concern, without limitation, the components of the site plan and layout, distribution of and relationship between uses and structures, vehicular and pedestrian circulation, parking, open space, landscaping, screening and dwelling location.

## **6.9 Supervised Group Quarters**

Supervised Group Quarters are a permitted special exception in the Country Residence CR, Rural Residence RR, Residence AAA, Residence AA, and Residence A Zones, subject to the requirements of those zones, the provisions of Section 13, of these Regulations, any other review and approval which may be required by these Regulations and, in addition, the following conditions:

- a. Character of Neighborhood, Supervision and Number of Residents: No supervised group quarters shall be permitted in any neighborhood unless the Zoning Board of Appeals shall first take into consideration the existence of any other use of like kind or character in the area and the effect thereof on the neighborhood; the suitability of the subject lot; the suitability of the building or structure in view of the intensity of the use to be made of it, especially with regard to consideration of health and safety; and the recommendations of a Board composed of the Social Service Division, the Director of Youth and Family and the Chief of Police regarding such matters as the number and qualifications of necessary supervisory personnel and the number of persons who may reside in said quarters. Any special exception for a supervised group quarters shall be subject, in addition to such other conditions or restrictions as the Zoning Board of Appeals may stipulate, to a limitation on the number of appropriately trained supervisory personnel who must reside therein.

- b. Occupancy Permit: No building or structure may be used as supervised group quarters until an occupancy permit for that purpose is obtained from the Town Building Official.
- c. Operation: Any supervised group quarters which has been granted a special exception under this special regulation shall operate at all times in compliance with the terms, conditions and restrictions of said special exception and with all applicable Federal and State laws and regulations, and shall be satisfactorily staffed and properly equipped so that the operation of said quarters, and all functions necessary to be performed therein, are carried on at all times in a manner which will insure the preservation of the character of the neighborhood and the preservation and protection of the health, safety and morals of all persons within said quarters and surrounding neighborhood.
- d. Non-Compliance Revocation: Said Board composed of the Social Service Division, the Director of Youth and Family and the Chief of Police shall review each such supervised group quarters on a continuing basis and shall determine the compliance thereof with the provisions of paragraph c. of this special regulation. In the event it is determined by said Board that any of the provisions of this special regulation are being or have been violated by any such supervised group quarters, when the Board shall notify the Town Building Official of such violation whereupon the Town Building Official shall issue a written order to remedy such violation within such reasonable time as he shall determine and state in such order, and if such violation is not remedied as ordered, the Town Building Official shall revoke the occupancy permit for such supervised group quarters. Such revocation shall not become effective until fifteen (15) days after notice thereof has been sent by certified mail to the holder of the occupancy permit, during which time the holder may appeal from the action of the Town Building Official to the Zoning Board of Appeals. If such appeal is made, revocation shall be stayed until such time as the Zoning Board of Appeals, after public hearing, shall affirm, or overrule or overrule with conditions, the action of the Town Building Official. Any person aggrieved by any action of the Zoning Board of Appeals shall have the right to appeal such action under appropriate General Statutes.

## **6.10 Trailers – Special Regulations**

### **6.10.1 Permitted Trailers or Mobile Homes**

- a. Residential Trailers or Mobile Homes, Occupied: A trailer or mobile home used, occupied or intended to be used or occupied for single-family residential or living purposes on the premises on which such trailer or mobile home is parked may be permitted in the Country Residence CR Zone and in the Rural Residence RR Zone, subject to the requirements of that zone, and any other review and approval which may be required by these Regulations and, in addition, the provisions of this Section 6.10. Such trailer or mobile home occupied for residential or living purposes shall be considered to be a principal use of the property. Trailers occupied in accordance with Section 6.10.3.d.1.c shall not be considered a principal use of the property. EFFECTIVE JULY 1, 1983.
- b. Residential Trailer or mobile Home, Unoccupied: A trailer or mobile home parked or stored on premises and used, occupied or intended to be used or occupied for residential, living or recreational purposes off such premises shall be considered to be an accessory use and shall be subject to the requirements of Section 7 of these Regulations.
- c. Construction Trailers: Trailers or semi-trailers used, occupied or intended to be used or occupied for field office or storage purposes on the premises of a bona fide and active construction job may be permitted on such premises of such construction job in any zone, subject to the conditions of the particular zone in which the trailer is parked, and any other review and approval which may be required and, in addition, the provisions of this Section 6.10.
- d. No trailer or mobile home camp shall be established, maintained or conducted in the Town of Glastonbury.

### **6.10.2 Occupancy of Trailers or Mobile Homes**

No trailer, mobile home or semi-trailer used or intended to be used or occupied for residential or living purposes in any instance or for field office or storage purposes on a construction site shall be so used and occupied unless and until a property temporary or regular occupancy permit has been issued by the Town Building Official.

#### 6.10.3 Occupancy Permits

- a. The Town Building Official may issue a temporary or regular occupancy permit to allow a trailer or mobile home to be used or occupied for residential or living purposes in the Rural Residence or Country Residence Zones or for a trailer or semi-trailer to be used or occupied for field office or storage purposes on the premises of a bona fide and active construction job in any zone. The Building Official shall determine whether to issue a temporary or regular occupancy permit on the basis of the purpose for which the trailer or mobile home is to be used or occupied, the period of time it is to be used or occupied and the location at which it is to be parked.
- b. An individual occupancy permit shall be required for each individual trailer, mobile home or semi-trailer on each lot.
- c. All occupancy permits shall state the location at which the trailer, mobile home or semi-trailer is to be parked, the purpose for which it is to be used and the number of occupants, if any.
- d. In the case of a trailer or mobile home used, occupied or intended to be used or occupied for residential or living purposes:
  1. A temporary occupancy permit:
    - a.) Shall be valid for a period of only thirty (30) days from its date of issuance and may be renewed for one additional period of thirty (30) days, after which it may not again be renewed for a period of six (6) months; and
    - b.) May be issued only to an applicant who does or is going to occupy the trailer or mobile home for which the permit is sought and who shall own or lease such trailer or mobile home or own the land upon which such trailer or mobile home is to be parked.
    - c.) May be issued to an applicant who has received a Special Permit with Design Review from the Town Plan and Zoning Commission to locate one trailer or mobile home on a farm in the Rural Residence or Country Residence Zone; specifically for the purpose of housing seasonal agricultural workers. The temporary occupancy permit shall be for a period not to exceed 240 days \* in any one year; and shall be strictly limited to the growing and harvest period of the primary agricultural product. Seasonal agricultural group quarters shall be permitted only on farms where agricultural production is the principal means of livelihood as defined by Section 12-91 of the Connecticut General Statutes and recorded with the Town Assessor. Also, prior to the issuance of a temporary occupancy permit, the applicant shall provide evidence satisfactory to the Building Official that verifies participation in a bona fide migrant farm worker program.  
EFFECTIVE JULY 1, 1983 \* AMENDED EFFECTIVE APRIL 6, 1987.
  2. A Regular Occupancy Permit:
    - a.) Shall be valid for a period of one (1) year from its date of issuance and may be renewed for two (2) additional and consecutive one (1) year periods subject to the provisions of Section 6.10.3.d.3, State Statutes, and local ordinances; and

- b.) May be issued only to an applicant who does or is going to occupy the trailer or mobile home for which the permit is sought and who owns or leases such trailer or mobile home or the land upon which such trailer or mobile home is to be parked.
- 3. A regular occupancy permit for a trailer or mobile home used, occupied or intended to be used or occupied for residential or living purposes may be granted only if and after a bona fide application has been filed with the Town Building official for a construction permit covering the construction of a permanent residence on the same premises on which such trailer or mobile home is parked.
- 4. Prior to issuance by the Town Building Official, each and every occupancy permit, including renewals, for a trailer or mobile home used, occupied or intended to be used or occupied for residential or living purposes shall have the written approval of the Town health Official certifying compliance with the sanitary regulations of the State of Connecticut and the Town of Glastonbury.
- e. In the case of a trailer or semi-trailer used, occupied or intended to be used or occupied for field office or storage purposes on the premises of a bona fide and active construction job:
  - 1. A temporary occupancy permit shall be valid for a period of not in excess of thirty (30) days from its date of issuance and may be renewed for one additional period of thirty (30) days after which it may not again be renewed for a period of six (6) months.
  - 2. A regular occupancy permit shall be valid for a period of one (1) year from its date of issuance or the duration of construction activity, whichever is shorter. If construction activity on such premises continues for a period exceeding one (1) year, such permit may be renewed for a maximum of two (2) consecutive one-year periods following the first year, provided that any such renewal shall automatically cease upon the cessation of construction activity. If such permit is not renewed for an additional one (1) year period, the trailer or semi-trailer shall promptly be removed by the owner from the premises.
  - 3. Any such temporary or regular occupancy permit may be issued to either the prime contractor of such construction job or the owner of the premises of such construction job, or both, provided that no such permit shall be issued until and after a valid binding permit has been issued covering such construction, or a portion thereof, on such premises.

#### 6.10.4 Location

- a. Any trailer or mobile home used, occupied or intended to be used or occupied for residential or living purposes in the Rural Residence or Country Residence Zones shall be located in the rear yard, or the rear half of the lot, and shall be a minimum of one hundred (100) feet from any street line, fifty (50) feet from any dwelling on the same lot, twenty-five (25) feet from any side lot line fifty (50) feet from the rear lot line, five hundred (500) feet from any public building, and two hundred (200) feet from any dwelling on any other lot, except as may otherwise be required or permitted by the Town Building Official because of the topography or location of the premises, adjacent properties and surrounding development, existing or proposed.
- b. Any trailer, mobile home or semi-trailer used, occupied or intended to be used or occupied for field office or storage purposes on the premises of a construction job in any zone shall be located only as approved by the Building Official, who shall consider the location of the premises, adjacent properties, surrounding development, both existing and proposed, and the purpose for which such trailer, mobile home or semi-trailer is or is to be used or occupied.

#### 6.10.5 Fees

- a. For a trailer or mobile home used, occupied or intended to be used or occupied for residential or living purposes, the fee for each temporary occupancy permit, or any renewal thereof, shall be \$10 and the fee for each regular occupancy permit, or any renewal thereof, shall be \$50. Such annual renewal fee of \$50 shall be waived for occupants over sixty-five (65) years of age. AMENDED EFFECTIVE JULY 8, 1975.

The fee for a temporary occupancy permit or any renewal thereof, issued for the purposes of housing seasonal agricultural workers shall be \$50 for 180 days and \$75 for 240 days. AMENDED EFFECTIVE APRIL 6, 1987.

- b. For a trailer, mobile home or semi-trailer used, occupied or intended to be used or occupied for field office or storage purposes on the premises of a construction job; the fee for each temporary occupancy permit, or any renewal thereof, shall be \$25, and the fee for each regular occupancy permit, or renewal thereof, shall be \$75.

#### 6.10.6 Changes or Additions

No person shall make structural changes or erect additions to a trailer, mobile home or semi-trailer for the purposes of converting it into a tenement or permanent dwelling, nor shall any occupied trailer, mobile home or semi-trailer be dismantled.

#### 6.10.7 Compliance

Any occupancy permit shall be voided upon the failure of the permittee to conform to these Regulations, any conditions of the permit or to the State or Town sanitary regulations. A voided occupancy permit shall not be reinstated. AMENDED EFFECTIVE JULY 1, 1983.

### **6.11 Special Permit For An Accessory Apartment Within A Single Family Dwelling**

#### 6.11.1 Statement of Purpose

The Town of Glastonbury recognizes the public need for the provision of a variety of housing types including efficient and affordable housing for singles, couples, single parents with one child, elderly and new households. Throughout the Town, opportunities exist within underutilized and or large single family dwellings to create small accessory apartments to meet these needs. To accomplish this purpose and to protect the health, safety and welfare of existing neighborhoods, the following regulation is enacted.

6.11.2 The Town Plan and Zoning Commission may grant a Special Permit to allow the construction of, addition to, renovation of, and use and occupancy of a single family dwelling in any zone, in order to create one subordinate accessory apartment unit as an integrated part of said single family dwelling, in accordance with the following performance standards.

#### 6.11.3 Performance Standards

- a. Each accessory apartment unit shall have a maximum floor area of 800 sq. ft. and shall contain at a minimum, a cooking area to include a kitchen sink, one full bathroom and not more than one bedroom. Enlargements of existing apartments, to a maximum of 800 sq. ft., that only involve interior modifications, shall be subject to Section 12.10 of the Building Zone Regulations. Those enlargements involving exterior modifications/enlargements shall be subject to Section 12.9 of the Building Zone Regulations. AMENDED EFFECTIVE AUGUST 1, 2008
- b. Each accessory unit shall be limited to a maximum occupancy of three persons, not more than two of whom may be adults.
- c. The resultant two dwelling units may have common utilities and may have separate metering devices.

- d. One additional off-street parking space shall be provided for use by the occupant(s) of said accessory apartment.
- e. The accessory apartment unit shall be externally and internally constructed and maintained in such a manner as to retain the appearance and character of the structure as a single family dwelling.
- f. The principal dwelling unit, without including the area of the accessory apartment unit, shall meet the minimum floor area requirement for the zone in which it is located.
- g. The property owner shall reside on the premises.
- h. An approval notice from the Health Department on the adequacy of onsite sewage disposal and well water supply if utilized.

6.11.4 The Town Plan and Zoning Commission shall consider and apply the criteria set forth in Section 12 of these Regulations in the consideration and granting of a Special Permit. Additionally, notice shall be provided to all abutters within 100' of the premises by regular mail no less than 10 days prior to the public hearing.

6.11.5 The owner and occupant of said single family dwelling shall, initially and every two years thereafter and when the dwelling is sold, execute and file an affidavit with the Zoning Enforcement Officer stating that the owner continues to occupy the main dwelling or accessory apartment.

ADOPTED: 2-26-91  
EFFECTIVE: 3-19-91